

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

THE MAGNAVOX COMPANY,)
a Corporation, and)
SANDERS ASSOCIATES, INC.,)
a Corporation,)
)
Plaintiffs,)
)
v.) Consolidated
) Civil Actions
) No. 74 C 1030
CHICAGO DYNAMIC INDUSTRIES,) No. 74 C 2510
INC., a Corporation, et al.)
)
Defendants.)

FINAL JUDGMENT

This action having been tried before the Court by the parties on the merits and the issues having been duly considered, a decision having been rendered on January 10, 1977, said decision constituting Findings of Fact and Conclusions of Law pursuant to Rule 52(a) of the Federal Rules of Civil Procedure,

IT IS ORDERED, ADJUDGED AND DECREED:

- 1) The Court has jurisdiction of the parties and the causes of action.
- 2) Plaintiff Sanders Associates, Inc. is the owner of the entire right, title and interest in and to the patents asserted in this civil action, namely:

United States Letters Patent 3,659,284 and the reissue thereof, United States Letters Patent Re. 28,507.

United States Letters Patent 3,659,285 and the reissue thereof, United States Letters Patent Re. 28,598.

3) The plaintiff The Magnavox Company is the exclusive licensee with right to grant sublicenses under the patents set forth in paragraph 2 above.

4) Claims 25, 26, 28, 29, 31, 32, 44, 45, 51, 52, 54, 55, and 57 of United States Letters Patent 3,659,284 were all good and valid in law.

5) Claims 25, 28, 29, 31, 32, 44, 45, 51, 54, 55, and 57 of United States Letters Patent 3,659,284 were infringed by defendants Seeburg Industries, Inc., The Seeburg Corporation of Delaware and Williams Electronics, Inc. by the manufacture, use and sale of the video games known as Paddle Ball, Pro Hockey, Pro Tennis, and Olympic Tennis and the use and sale of the following video games, the manufacturer of each game also being indicated:

<u>GAME</u>	<u>MANUFACTURER</u>
Olympic TV Hockey	Chicago Dynamic Industries, Inc.
Tennis Tourney	Allied Leisure Industries, Inc. Hialeah, Florida
Volley	Ramtek Corporation Sunnyvale, California

Hockey	Ramtek Corporation Sunnyvale, California
Sportarama	United Games, Inc. Union, New Jersey
TV Hockey	Amutronics, Inc. Cherry Hill, New Jersey
Wham Bam	PMC Electronics Co., Inc. Philadelphia, Pennsylvania

6) Claims 25, 28, 29, 31, 32, 44, 45, 51, 54, 55, and 57 of United States Letters Patent 3,659,284 were infringed by defendant Chicago Dynamic Industries by the manufacture, use and sale of the video games known as TV Ping Pong (Model 424), TV Tennis (Model 427), Olympic TV Hockey (Model 429), and Olympic TV Football (Model 429A), claims 25, 26, 28, 32, 45, 51, 52 and 54 of said Letters Patent were infringed by said defendant by the manufacture, use and sale of the video game known as TV Goalee (Model 434), claims 25, 28, 29, 31, 32, 51, 54, 55, and 57 of said Letters Patent were infringed by said defendant by the manufacture, use and sale of the video game known as TV Pingame (Model 451), and claims 25, 28, 29, 31, 32, 44, 45, 51, 54, 55 and 57 of said Letters Patent were infringed by said defendant by the manufacture, use and sale of the video game known as Super Flipper.

7) Claims 25, 28, 29, 31, 32, 44, 45, 51, 54, 55, and 57 of United States Letters Patent 3,659,284 were infringed by defendant World Wide Distributors, Inc. by the use, sale and/or lease of the following video games, the manufacturer of each game also being indicated:

<u>GAME</u>	<u>MANUFACTURER</u>
Pro Tennis	The Seeburg Corporation of Delaware
Pro Hockey	The Seeburg Corporation of Delaware
Paddle Ball	The Seeburg Corporation of Delaware
TV Tennis	Chicago Dynamic Industries, Inc.
Space Ball	Nutting Associates, Inc. Mountain View, California
Tennis Tourney	Allied Leisure Industries, Inc. Hialeah, Florida
Volley	Ramtek Corporation Sunnyvale, California
Soccer	Ramtek Corporation Sunnyvale, California
Hockey	Ramtek Corporation Sunnyvale, California
Sportarama	United Games, Inc. Union, New Jersey
Astro Hockey	Brunswick Corporation Skokie, Illinois

8) Claims 25, 26, 28, 29, 31, 32, 44, 45, 51, 52, 54, 55, and 57 of United States Letters Patent Re. 28,507 are all good and valid in law and have been infringed by all five of the defendants by the manufacture, use and/or sale of the video games set forth in paragraphs 5, 6 and 7 above, respectively, claims 60, 61, 62, 63, and 64 of said patent are all good and valid in law and have been infringed by all five of the defendants by the manufacture, use and/or sale of the video games set forth in paragraphs 5 and 7 above

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and the video games TV Ping Pong (Model 424), TV Tennis (Model 427), Olympic TV Hockey (Model 429), and Olympic TV Football (Model 429A), respectively, claims 60, 61, 63, and 64 have been infringed by defendant Chicago Dynamic Industries, Inc. by the manufacture, use and/or sale of the video games TV Goalee (Model 434) and Super Flipper, and claim 60 has been infringed by said defendant by the manufacture, use and/or sale of the video game TV Pingame (Model 451).

9) Claims 1, 2, 5, and 6 of the United States Letters Patent 3,659,285 and claims 1, 2, 5, 6, 13, 14, 15, and 16 of United States Letters Patent Re. 28,598 are invalid.

10) Seeburg Industries, Inc. having been granted a license under United States Letters Patent Re. 28,507 and the defendants Seeburg Industries, Inc., The Seeburg Corporation of Delaware, and Williams Electronics, Inc. having compromised their differences with plaintiffs with respect to the past, no injunction against those defendants is entered and no accounting for damages from those defendants is ordered.

11) The defendants Chicago Dynamic Industries, Inc. and World Wide Distributors, Inc., their officers, employees, agents, successors, assigns, servants and all persons in active concert and participation with them, shall be and hereby are permanently enjoined and restrained from infringing United States Letters Patent Re. 28,507 and Chicago Dynamic Industries, Inc. and World Wide Distributors, Inc. are hereby permanently enjoined

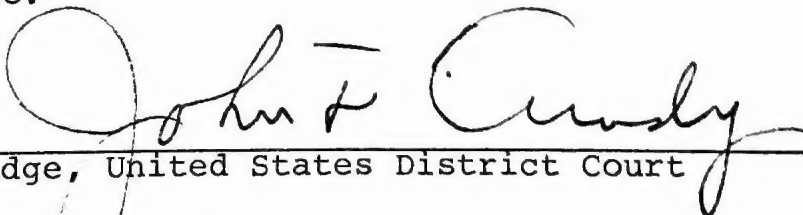
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from making, using, selling, leasing or otherwise distributing or promoting or disposing of the video games set forth in paragraphs 6 and 7 above, respectively.

12) The plaintiffs and defendants World Wide Distributors, Inc. and Chicago Dynamic Industries, Inc. shall appear for a conference in the courtroom of John Grady, District Judge, on June 15, 1977 at 4:30 P.M. for the purpose of discussing methods of determining damages and accounting procedures, if necessary.

13) The counterclaims of all of the defendants are hereby denied and dismissed.

14) No costs or counsel fees are assessed or taxed against the parties Seeburg Industries, Inc., The Seeburg Corporation of Delaware, Williams Electronics, Inc. and World Wide Distributors, Inc., but costs are hereby awarded to and are to be assessed and taxed against the party Chicago Dynamic Industries, Inc.



Judge, United States District Court

~~May~~ June 1, 1977

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that the foregoing NOTICE OF MOTION; PLAINTIFFS' MOTION FOR ENTRY OF FINAL JUDGMENT; and FINAL JUDGMENT were served by hand delivering copies thereof to:

Melvin M. Goldenberg, Esq.
McDougall, Hersh & Scott
135 South LaSalle Street
Chicago, Illinois 60603

Mr. Nate York
208 South LaSalle Street
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Edward C. Threedy, Esq.
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One First National Plaza
Chicago, Illinois 60603


Louis W. Levit, Esq.
105 West Adams Street
Chicago, Illinois 60603

and by mailing copies thereof by first class mail, postage prepaid to:

Mr. R. James Tosto
Main Bank of Chicago
1965 North Milwaukee Avenue
Chicago, Illinois 60647

Chicago Dynamic Industries, Inc.
1725 West Diversey Parkway
Chicago, Illinois 60614

all on this 27th day of May, 1977.



Attorney for Plaintiffs